

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ELIZABETH BROWN

PLAINTIFF

V.

CAUSE NO. 3:19-CV-835-CWR-LGI

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

DEFENDANT

ORDER

The Magistrate Judge has issued a Report and Recommendation (R&R) proposing to affirm this Social Security appeal. Plaintiff Elizabeth Brown objects. She argues that (1) the Appeals Council erred when it found that Dr. Kwentus's opinion did not have a reasonable probability of changing the outcome of the decision, and (2) the ALJ's discussion lacked a sufficient explanation of the supportability and consistency factors, as required by 20 C.F.R. § 404.1520c(b)(2).

On review, the Court must overrule the objection. As to issue (1), the R&R applies the standard set forth in *Hardman v. Colvin*, 820 F.3d 142, 151 (5th Cir. 2016), which states that "the Appeals Council does not err in refusing to review the claimant's case if it can be determined that substantial evidence nevertheless supports the ALJ's denial of benefits." *See* R&R at 8. As to issue (2), the ALJ's Decision shows that she provided a thorough discussion of Dr. LeDuff's opinion, in accordance with § 404.1520c(b)(2). *See id.* at 5.

For these reasons, the R&R is adopted as this Court's own order, and this case is dismissed. A separate Final Judgment shall issue.

SO ORDERED, this the 12th day of January, 2021.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE